

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1898.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF COFFEE.

On February 27, 1908, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clark, Coggin & Johnson Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on May 22, 1907, from the State of Massachusetts into the District of Columbia, of a quantity of coffee which was misbranded. The product was labeled: "De-tan-ated coffee is the best, purest coffee obtainable made healthful by the removal of the bitter tannin bearing cellulose by a special process; the fragrant healthfully stimulating parts of the coffee are retained in a highly concentrated state. Can be used even by invalids without any bad after effects. Prepare as you would any good coffee."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that it contained 9.39 per cent caffetannic acid and 1.30 per cent caffein, and further that it contained practically the same amount of caffetannic acid as coffees which had not been treated. Misbranding was alleged in the information for the reason that the statements in the label set forth above were misleading in the following particulars, that is to say, that the purchaser of the coffee would thereby be informed and led to believe that a certain ingredient common to coffees, to wit, "caffetannic acid," had been removed from the product, whereas in truth and in fact said "caffetannic acid" was not removed from the product; and further, that the syllables "De-tan-ated" used in reference to and as descriptive of the coffee would lead the purchaser thereof to believe that the ingredient common to coffees and commonly known as "caffetannic acid" or "tannin" had been removed from the product, whereas in truth

and in fact it had not been removed; and for the further reason that the statements, in substance, that an ingredient common to coffees known as "caffetannic acid" and referred to in the statement as "tannin" had been removed from the product by a special process, whereas in truth and in fact said caffetannic acid was not removed from the coffee.

On June 7, 1912, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$50.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 30, 1912.*

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